

Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Baton Rouge, Louisiana
March 12, 2010

Attending Ronald Blitch, President presiding
 Richard LeBlanc
 Allen Bacqué
 Creed Brierre
 J. David Brinson
 John Cardone, Jr.
 Robert McKinney
 Teeny Simmons, Executive Director
 Paul H. Spaht, Board Attorney
 Robert Eddleman, Board Investigator

Call to Order

1. The meeting was called to order by the President. Mr. Dave Brinson was welcomed as the new board member who replaced Mr. Holly since his term expired.

Minutes Approved

2. The Minutes from the meeting held December 18, 2009 were approved as written.

IDP Report

3. Ms. Marsha Cuddeback presented the following IDP report:

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Announcements:

NCARB

New - IDP Supervisor e-News

<http://app.e2ma.net/campaign/22587.ab8cf42db14be743173eb3c92c926429>

New - Auxiliary Coordinators, Louisiana State University (see position description, attached) W. Conway Cristina, AIA, Manning Architects, ccristina@manningarchitects.com Steve Templet, AIA, ACHA, LEED AP, Blitch/Knevel Architects, st@blitchknevel.com

Reminder - Six-Month Rule

The Six-Month Rule will go into effect for all interns at 12:01 a.m. EDT on 1 July 2010. It is already in effect for interns that established an NCARB Record on or after 1 July 2009.

Supplementary Education

With the introduction of IDP 2.0, NCARB introduced more possibilities for interns to earn IDP experience whether or not they are employed.

AIA Continuing Education, Emerging Professionals Companion, Certificate Programs (LEED AP, CSI, etc.), NCARB Professional Conduct Monograph, Post-Professional Degree

Training Units Convert to Training Hours

On 1 January 2010, training units became training hours. One training unit equals eight training hours.

Direct Supervision

Beginning 1 January 2010, "direct supervision" will be defined as:

"Direct supervision' of interns shall occur either through personal contact or through a mix of personal contact and remote communication (e.g. e-mail, online markups, webinars, internet) such that the IDP supervisor has control over the work of the intern and has sufficient professional knowledge of the supervised work so that the IDP supervisor can determine that the intern understands and is performing his or her work experience within the professional standard of care.

To earn training hours in workplace settings described in the *IDP Guidelines*, the intern must work under the direct supervision of an IDP supervisor. The supervisor shall verify the training activities of the intern and foster a professional relationship that is grounded in a direct professional association between the intern and the supervisor."

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Development

- *Ongoing* - Louisiana IDP Weblog (<http://www.louisianaipd.org>)
- *Ongoing* - Louisiana IDP Facebook (<http://www.facebook.com/group.php?gid=77860191621>)
- *New* - Statewide Student: Intern Competition under development

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Louisiana IDP Forum 2011

Dean Ken Schwartz and Tulane University have been selected as the host for the Louisiana IDP Forum 2011. Planning is underway.

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AY 2009-2010 - Schedule of Events - Schools

Educator Coordinators will determine the date and time for each event below and forward to the LA State Coordinator for reporting to the Board.

- 1) SCHOOL-WIDE PRESENTATION: conducted by the IDP Educator Coordinator, present CAREER Building Blocks presentation from NCARB, Q&A, and discussion.
- 2) PROFESSIONAL PRACTICE CLASS VISIT: State Coordinator in-class visit, presentation and discussion.
- 3) WORKSHOP: each school determines agenda based on student's interests and needs (State Coordinator, Board member, AIA Component participation)

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2009-2010 - Schedule of Events

ACSA Annual Meeting

RE-think IDP, Friday, March 5, 11:00 AM, Harry Falconer

2010 AIA Louisiana Design Conference, Baton Rouge, LA (September)

2 hr. ARE Seminar facilitated by LA State Coordinator

4. The Executive Director's report consisted of the following:

- A. Preparation for 2010 firm renewals (deadline June 30, 2010). We are working to have firm renewals online, possibly by next year.
- B. Worked on and solved glitch in database/preparing to upgrade website.
- C. Prepared and mailed delinquent renewals letters to fifty-six in-state architects and two hundred fifty-nine out of state architects.
- D. Prepared and mailed audit request letters.
- E. Beginning preparation for Spring/Summer Newsletter.
- F. Attendance:
 - 1. March 3 IDP presentation at LSU and Southern (Falconer, Brinson and Cuddeback).

5. Mr. Spaht presented the following legal matters for discussion/action:

- A. Rule §1301.C (Renewal Procedures) – For informational purposes, the board reviewed the amendment to this rule which was published in the Louisiana Register on December 20, 2009. The amended rule sets forth the procedures for renewing an architectural license online. The rule is now adopted, and no further action by the board concerning this amendment is necessary.
- B. Rule §1301.E (Increasing Delinquent Fees) – For informational purposes, the board reviewed a NOI amending §1301.E and increasing the delinquent fee for an architect domiciled in Louisiana from \$75 to \$105, and the delinquent fee for an architect domiciled outside of Louisiana from \$150 to \$180. This NOI was published in the Louisiana Register on February 20, 2010. The board will consider this amendment for adoption at its June meeting.
- C. Proposed legislation relating to firm practice – Mr. Bacque, Ms. Simmons, and Mr. Spaht met with the American Council of Engineering Companies (ACEC) board on November 20, 2009. Mr. Spaht reported that the ACEC is reviewing the proposed legislation, and Daniel E. Mobley, the Executive Director of ACEC/Louisiana, will advise when ACEC is ready to discuss the matter.
- D. Update on Building Official's Guide to Architecture – Using the Mississippi Building Official's Guide to Architecture and Engineering Requirements as a form, Mr. Spaht reported that he is working on a draft of a similar guide for Louisiana. To complete the guide, the board will need to decide whether any amendments to the exemptions contained in R.S. 37:155 should be made and whether the existing legislation concerning firm practice should be amended. It further appears that input from the Louisiana State Board of Registration for Professional Engineers and Land Surveyors may be necessary, since licensed civil engineers are exempt from the Architect Licensing Law. The board will consult

with the Mississippi State Board of Architecture at the upcoming regional meeting concerning how it developed its Building Official's Guide.

- E. Review of Exemptions – Mr. Brinson agreed to serve with Mr. Blich and Mr. McKinney on a committee which will review the exemptions contained in R.S. 37:155, particularly 37:155.A.4.
- F. Design Build – In his review of the New Orleans AT&T telephone book Yellow Pages, Mr. Eddleman observed that the Woodward Design Group was listed under "Architects." Mr. Eddleman contacted this firm, and its attorney advised that the Woodward Design Group is a design build corporation, that it has two licensed architects on staff, and that it is not licensed by the board to practice architecture. Mr. Eddleman asked whether a such a firm could list itself in the Yellow Pages under "Architects."

After discussion, the board concluded that although a partnership or corporation may offer a combination of architectural services together with construction services if it meets the requirements of Rule §1319, such a partnership or corporation is not licensed by the board, is not an architectural firm, and may not list itself in the Yellow Pages under "Architects." Mr. Eddleman will so advise the Woodward Design Group.

- G. Extension of Time to Satisfy Continuing Education Requirements – The board reviewed a letter dated December 31, 2009, from W. Geoff Gjertson, AIA, requesting a six month extension of time to obtain all necessary CEH for 2009, or the waiver of the remaining required CEH in acknowledgement of his work concerning BeauSoeil. After discussion, the board decided to grant Mr. Gjertson a six month extension of time for him to obtain the required CEH for 2009. The executive director will so advise Mr. Gjertson.
- H. Registration of Limited Partnerships – The board reviewed a letter dated February 18, 2010 from Ralph Westbrook, CFO of The Dimension Group. Mr. Westbrook explained that The Dimension Group is a Texas architectural and engineering firm and a Texas Limited Partnership. It has three NCARB certified architects on staff. One of its major clients, Pizza Hut, has asked The Dimension Group to assist with its growth in Louisiana, and The Dimension Group would like to accommodate this client. It was suggested that The Dimension Group have one of its architects register in Louisiana as an individual; however, Mr. Westbrook is concerned that this will not offer Pizza Hut the liability protection it requires by having its company name on the sealed drawings. Mr. Westbrook asked for the board's consideration in helping to get The Dimension Group registered in Louisiana.

The board does not register partnerships, including limited partnerships. Nonetheless, the name of The Dimension Group may appear on the construction drawings, provided the drawings are prepared by an employee licensed by the board who will stamp the drawings. The executive director will so advise Mr. Westbrook.

- I. Employment of an In House Architect – The board reviewed a letter dated March 2, 2010, from John L. "Jay" Chase, Jr., AIA, AIA South Louisiana Chapter

President. Mr. Chase advised that the Lafayette Parish School Board (LPSB) is in the process of hiring a District Architect to perform all of its design services in house. The chapter would like a ruling on the following two issues: (1) is it possible that a licensed architect can be employed as a staff person and perform design services objectively under the licensing law, and (2) can a school board practice architecture?

After discussion, the board concluded that the employment by LPSB of a licensed architect as a staff member to perform design services is not a violation of the Architect Licensing Law; at the same time, any architect so employed is required to comply fully with such law and the board rules. The board further concluded that a school board may not practice architecture; however, an in house architect employed by the school board may practice architecture. The executive director will so advise Mr. Chase.

- J. Firm Application Forms – The board reviewed the forms for initial registration, renewal registration, and delinquent renewal registration for professional architectural corporations, architectural-engineering corporations, and limited liability companies. Several changes in the language of these forms were suggested, including the addition of language emphasizing that the failure to renew timely will result in a fine and penalty.
- K.1 PBK Architects, Inc. (“PBK”) – Appearing: Phil Rutter, John Krejci, and Jacqueline B. Wilson, for PBK; Herman J. Gesser, III, for AIA Louisiana, and Gerald D. Hebert, II. Mr. Spaht provided the background of this matter, beginning with Mr. Eddleman obtaining information that PBK may be practicing architecture in Louisiana without a firm license, letters to/from PBK seeking information concerning the possible violation, and the eventual recommendation by the CRC of a Consent Order resolving this matter. Mr. Bacque, on behalf of the CRC, explained its recommendation that a proposed Consent Order, which had been agreed to and signed by PBK, be accepted by the board to dispose of this matter. Mr. Rutter and Ms. Wilson spoke on behalf of PBK, and Mr. Gesser spoke on behalf of AIA Louisiana. Mr. Gesser discussed his letter dated March 9, 2010, and Mr. Spaht addressed some of the points mentioned by Mr. Gesser. Members of the board asked questions to the PBK representatives, after which the board went into executive session. At the conclusion of the executive session, Mr. Blich advised that the board had decided to accept the Consent Order recommended by the CRC. On motion by Mr. Bacque, seconded by Mr. LeBlanc, the board authorized its director to sign the Consent Order recommended by the CRC.
- K.2 The Front Door (A Professional Corporation) – The CRC (Messrs. Bacque, LeBlanc, and McKinney) explained its recommendations for a proposed Consent Order concerning The Front Door. On motion by Mr. Bacque, seconded by Mr. LeBlanc, the board approved the recommended Consent Order and authorized its director to sign same.
- K.3 Charles Kellogg – Mr. Eddleman advised that there was no report concerning Mr. Kellogg.

K.4 Wynn Warner – The CRC (Messrs. Bacque, LeBlanc, and McKinney) explained its recommendations for a proposed Consent Order concerning Wynn Warner. On motion by Mr. Bacque, seconded by Mr. LeBlanc, the board approved the recommended Consent Order and authorized its director to sign same.

L. Enforcement Report – Mr. Eddleman reviewed his written report for the period of December 8, 2009 – March 12, 2010. Mr. Eddleman reported that he had closed five cases since the December meeting, explaining for each the reasons for closure. The board discussed the closure of cases, and it concluded that the CRC should approve all case closures. Mr. Eddleman will prepare a report concerning each of the five closed cases for CRC's review and consideration.

For consideration at the next meeting, Mr. Eddleman will review his costs and expenses so that a portion thereof might be allocated to persons found to have violated the licensing law or board rules.

Mr. Bacque has served on the CRC for six years, and he will be replaced by Mr. Brierre. It was further decided that Mr. LeBlanc will serve on the CRC until December 31, 2010; Mr. McKinney will serve until December 31, 2011, and Mr. Brierre will serve until December 31, 2012.

M. Name of Professional Architectural Corporation – On motion by Mr. McKinney, seconded by Mr. Bacque, the board agreed to consider a question asked in an email dated March 9, 2010, from Bill Land. Mr. Land advised that he desired to change the name of the firm Herbert Land Architect Inc. to Land Architectural Group Inc. Mr. Land advised that he is the only licensed architect in the firm, although the firm employs three interns who are pursuing licensure. Mr. Land asked: is the firm name Land Architectural Group Inc. acceptable? If not, is the name Land Architectural Group Inc., Bill Land Architect acceptable? Mr. Land suggested that the final name appeared to be very similar to an example in the rules where "Design Professionals, Architecture and Planning, John Smith Architect" is allowed.

After discussion, the board concluded that the words "Architectural Group" suggest that the firm contains more than one licensed architect. Rule § 1509 provides that if the firm title indicates that the firm contains more than one architect, the names of at least two licensed architects must appear as part of the firm title or at least two licensed architects must be identified. The interns employed by Mr. Land's firm are not architects. The board concluded that the proposed firm names "Land Architectural Group Inc." and "Land Architectural Group Inc., Bill Land Architect" are not acceptable, since there is only one architect in the firm. The director will advise Mr. Land of the board's conclusion.

N. Application of Exemption to Work in Vieux Carré – On motion by Mr. McKinney, seconded by Mr. Bacque, the board agreed to consider questions asked in emails dated March 11, 2010, from Jared Filbeck of Arnold & Associates, Inc. The emails described the scope of work concerning repairs to an existing building in the New Orleans French Quarter and asked if these activities are more than what is included in R.S. 37:155.A.4.c.

R.S. 37:155.A.4.c exempts from the Architect Licensing Law:

- (4) Persons acting as designers for:

(c) Renovations or alterations of any size building which do not affect the structural integrity, or life safety, exclusive of building finishes and furnishings, or which have been pre-approved by the state fire marshal where life safety is affected and does not exceed one hundred and twenty-five thousand dollars. "Life safety" as used in this Subsection shall be governed by the interpretation of the state fire marshal in accordance with the authority of R.S. 40:1561 et seq.

Mr. Filbeck then asked if his firm could operate under Rule §1523 in the event the work is deemed to be of a nature that exceeds R.S. 37:155.A.4.c. Rule §1523 concerns the name of a firm which includes an architect practicing with one or more engineers, land surveyors, landscape architects, interior designers, or other professionals in an allied profession.

The board made a cursory review of the scope of work described by Mr. Filbeck in his emails. Based upon this review, the board believes that the work affects life safety and exceeds \$125,000. Accordingly, the work appears to be of a nature that exceeds the exemption contained in R.S. 37:155.A.4.c.

Rule §1523 merely concerns the name of an architect who practices in a firm with one or more engineers, land surveyors, landscape architects, interior designers, or other professionals in an allied profession. Rule §1523 was not intended to, and does not, affect the exemptions contained in the Architect Licensing Law. More specifically, if the work is not exempt under R.S. 37:155, the name of the firm does not make such work exempt.

Budget Report

6. The February, 2010 Budget Report was reviewed.
7. 2010 meeting dates:
June 18 (changed to July 16)
September 10
December 17

7/16/2010
Date

R. Blitch
Ronald Blitch, President

R. LeBlanc
Richard LeBlanc, Secretary